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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/330,096	06/11/1999	JUN ENOMOTO	1110-0240P	8973

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EXAMINER

MISLEH, JUSTIN P

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/330,096

Applicant(s)

ENOMOTO, JUN

Examiner

Justin P Misleh

Art Unit

2612

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 04 October 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:


Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1 - 10.

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____


AUNG MOE
PRIMARY EXAMINER

Continuation of 5. does NOT place the application in condition for allowance because:

The Applicant believes Yamaguchi et al. do not teach a process of correcting image quality before the shooting of a next frame of an image or during the shooting of the next frame onward as alleged by the Final Office Action (19 May 2004). The Applicant states, "It is only after storing the image in memory 5 that the image is corrected." Thus, the Applicant believes that within Yamaguchi et al. it is possible to store multiple images before any correction takes place.

The Examiner disagrees with the Applicant's position. In the Final Office Action, the Examiner made note that in figure 8 and in column 1 (lines 50 - 67), 5 (lines 59 - 67), 6 (lines 1 - 16), 9 (lines 57 - 67), and 10 (lines 1 - 19), Yamaguchi et al. teach of an image processor (30B) that is provided to correct distortions of an image due to an optical system. Furthermore, based upon the placement of the image processor (29 in figure 1 and 30B in figure 3) within the digital image-shooting device, the Examiner believed Yamaguchi et al. featured a real-time digital image shooting and correction system.

The Examiner reaffirms the position Yamaguchi et al. teach a process of correcting image quality before the shooting of a next frame of an image or during the shooting of the next frame onward. Turning to column 11 (lines 26 - 32, 42 - 45, 50 - 52), Yamaguchi et al. states, that the "image memory 5 [comprises] a frame memory or field memory" and that the corrected "image data is output to the color monitor 38 as picture signal together with a synchronizing signal." Thus, it is readily apparent that Yamaguchi et al. does not allow for a collection of uncorrected images to be stored in the image memory (5) and corrected later, and that Yamaguchi et al. must correct the image before the shooting of a next frame of an image or during the shooting of the next frame onward because the image memory (5), a field/frame memory, is the basis of the image correction process (30B).

In response to Applicant's argument that there is no suggestion to combine the references, the Examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Yamaguchi et al. (see column 3, lines 40 - 52; and column 10, lines 1 - 20) provides a means to produce an image of high quality at central portions while preventing marginal image portions from exceeding image dimensions using a small, simple, and low cost correction circuit..